

Remarks**Claim Rejections - 35 U.S.C. § 102 (b)**

In the Office Action dated 28TH January 2008 Claims 1, 3, 4 and 16 are rejected under 35 U.S.C. § 102(b) as anticipated by Jue et al. (EP 1168699). Applicant respectfully traverses the rejection of claims 1, 3 and 4. MPEP § 2131 provides: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Jue et al. does not anticipate, either expressly or inherently, each and every element as set forth in independent Claim 1. . Specifically, independent Claim 1 requires: "obtaining pre-defined modulated transmission protocol bits stored in a memory".

Jue et al. in Table 1 and paragraphs 18 to 20 simply describes the preferred length (in symbols) and required modulation type for specified fields. For example, in Table 1, the spare field 118 has a preferred length of 62 symbols and is required to be modulated by Binary Phase Shift Keying (BPSK), whereas the first flush field 106 has a preferred length of 16 symbols and is required to be modulated by Quadrature Phase Shift Keying (QPSK). Furthermore, in Table 2 and paragraphs 21 to 22 Jue et al. illustrates coding examples including light coding and heavy coding. Therefore, it is clear that Jue et al. does not disclose

“obtaining pre-defined modulated transmission protocol bits stored in a memory” as required by independent Claim 1.

Dependent Claim 3, 4 and 16 depend from Claim 1, and include all the limitations of independent Claim 1, that was shown to be allowable for the reasons given above. Therefore, Applicant respectfully submits that dependent Claims 3 and 4 are in proper condition for allowance and request that Claims 1, 3 and 4 now be passed to allowance.

Claim Rejections - 35 U.S.C. § 103 (a)

In the Office Action dated 28TH January 2008, Claims 2, 5-13 and 17-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jue et al. (EP 1168699) in view of Ganesan et al. (US 5,812,951). Applicant respectfully traverses the rejection of claims 2, 5-13 and 17-25.

As shown above, Jue et al. does not describe “obtaining pre-defined modulated transmission protocol bits stored in a memory” (as recited in Claim 1). It is also submitted that Ganesan et al does not describe this feature of “obtaining pre-defined modulated transmission protocol bits stored in a memory”. Hence, the combination of Jue et al. and Ganesan et al does not result in the subject matter of dependent claims 2, 5-13 that depend from claim 1.

Referring to independent claim 17, this independent claim requires “a memory storing pre-defined modulated transmission protocol bits”. Hence, for the reasons given above neither Jue et al. or Ganesan describe “a memory storing pre-defined modulated transmission protocol bits” and therefore independent claim 17 and its depending claims 18-25 should be considered allowable. Therefore, Applicant respectfully submits that Claims 2, 5-13 and 17-25 are in

proper condition for allowance and request that Claims 2, 5-13 and 17-25 now be passed to allowance.

In the Office Action dated 28TH January 2008, Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jue et al. (EP 1168699) in view of White et al. (US 5,495,482). Applicant respectfully traverses the rejection of claims 14 and 15.

As shown above, Jue et al. does not describe “obtaining pre-defined modulated transmission protocol bits stored in a memory” (as recited in Claim 1). It is also submitted that White et al. does not describe this feature of “obtaining pre-defined modulated transmission protocol bits stored in a memory”. Hence, the combination of Jue et al. and White et al. does not result in the subject matter of dependent claims 14 and 15 that depend from claim 1. Therefore, Applicant respectfully submits that Claims 14 and 15 are in proper condition for allowance and request that Claims 14 and 15 now be passed to allowance.

In view of the above, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: /Daniel K. Nichols/

Daniel K. Nichols
Attorney of Record
Reg. No.: 29,420

Telephone: 847-576-5219
Fax No.: 847-576-3750